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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,133	08/10/2001	Russell Andrew Fink	00-4045	6468

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EXAMINER	
TESLOVICH, TAMARA	
ART UNIT	PAPER NUMBER
2137	

NOTIFICATION DATE	DELIVERY MODE
04/09/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/928,133	FINK ET AL.	
	Examiner	Art Unit	
	Tamara Teslovich	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 25-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20, 25-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to Applicant's Remarks and Amendments filed January 9, 2008.

Claims 21-24 remain cancelled.

Claims 1-20 and 25-32 are pending and herein considered.

Response to Arguments

Applicant's arguments filed January 9, 2008 have been fully considered but they are not persuasive. The Examiner respectfully maintains her rejection of pending claims 1-20 and 25-32 under 35 USC 112, first and second paragraphs, for the following reasons:

In response to Applicant's citation of sections from within his Specification, the Examiner respectfully disagrees that those sections in view of the reference in its entirety serves to clearly and distinctly convey what the terms "detranslate" and "detranslating" are meant to encompass. Beginning with Applicant's citation of the following claim language:

> "a translator configured to detranslate predetermined portions of packet header information of a data packet according to a cipher algorithm keyed by the cipher key, wherein the predetermined portions include a previously translated address, the previously translated address being detranslated into the address"

Applicant provides no explanation as to what his previously translated address was translated from or to. Furthermore, Applicant's "being translated into the address" fails to provide the Examiner with any idea as to what "address" the "previously translated address" is to be translated to insofar as applicant fails to previously provide for "the address." Applicant's arguments seem to rely upon the term "restore," a term which fails to find itself in any of the claims. If it is the Applicant's intention to "restore" an address, than the Examiner is of the impression that the claims should state it as such, insofar as it would be clearer to the Examiner and one skilled in the art if Applicant would claim restoring an address to its original form. Furthermore, based upon the language of claim 1, it appears as if it is may well be Applicant's intention to use a key to decrypt a previously encrypted address to its original form, in which case, the Examiner would like to request that Applicant rely upon the use of terms such as "encrypt" or "decrypt" which are well known in the art and which would convey to the Examiner and one of skill in the art what the Applicant's claims are meant to encompass.

Applicant goes on to cite to particular sections within his specification which he believes are in support of his claims and their use of the phrases "detranslate" and "detranslating." The Examine respectfully disagrees. Paragraph 47 merely discloses the translation of packet header information from its original form. Such a teaching fails entirely to explain "detranslation." Paragraph 48 then serves to explain the "restoration" of the packet header back to its original form. Unfortunately, nowhere within this section does it mention or even suggest that any "detranslation" is taking place. In fact neither

the term "detranslate" nor the term "detranslation" appear in Applicant's cited paragraph 48. If it is Applicant's suggestion that the phrase "restoration proceeds similarly to translation" supports his claims, he is incorrect. Not only does this phrase fail to suggest any "detranslation" but, such a phrase in and of itself is rather indefinite insofar a it uses an term as indefinite as "similarly" to compare the restoration process and the translation process. As such, these two paragraphs provide no support for Applicant's use of the phrases "detranslation" and "detranslate." Paragraph 104 is the last section of the specification relied upon by the Applicant. The Examiner respectfully disagrees that that this paragraph serves to support Applicant's arguments insofar as the phrase "the ASD translation method of the present invention detranslated the packet according to a prearranged algorithm" is merely a recitation of those sections of the claim cited above. Once again, this paragraph fails to distinctly and clearly teach what the phrase "detranslates" is meant to encompass. The Examiner maintains her position that Applicant's specification fails to provide the requisite clarity necessary for one skilled in the art to make or use and invention.

Applicant's next set of arguments are directed towards a series of patents relying upon the terms "detranslated" and "detranslating." Looking to each of the patents on their own and as a whole, the Examiner would like to draw Applicant's attention to the fact that each of the uses in question are in fact accompanied by language distinctly and clearly identifying the metes and bounds of each of the claims cited to. The Examiner reminds Applicant that any Applicant may in fact be his own lexicographer but that it is his responsibility to then describe his new terms in such a way as to provide one skilled

in the art the necessary pieces to make and use the invention. For Example, within US Patent No. 6,826,684 the phrase "to reconstruct the original packet headers" follows the use of the term "detranslated" so as to clearly identify what it is that is being "detranslated" and what the result of that action is. Moving on to US Patent No. 6,459,822, the Examiner would like to note that Applicant's quoted portions are not in fact complete. In fact, those sections selectively deleted by Applicant from his quotation provide ample support for Hethaway's use of the phrase "detranslating each video field." Coincidentally, Applicant's quoted selection from US Patent No. 5,255,272 appears to be missing those sentences ***immediately*** preceding Gill's use of the term "de-translated" which serve to clearly and distinctly explain his use of the term. Each of the uses cited by Applicant were in compliance with 35 USC 112 paragraphs 1 and 2 insofar as the Inventors in each of the cases clearly identified how their particular "detranslating" as to occur and what all it was meant to encompass. In fact, the wide range of patents cited by Applicant goes so far as to help prove the Examiner's point that the term in and of itself is indefinite and may be used in a variety of ways, and that when used within an application for patent, must include sufficient clarification as to the particular use intended. Examiner also notes, that whether or not "the term "detranslating" has seen wide use in U.S. patents and patent applications" is irrelevant to the instant application, and therefore, will not serve as a basis of argument that will further prosecution of the instant application.

Moving on to Applicant's citation of a number of websites that utilize the phrase "detranslate" in some form or another, the Examiner would once again like to point out

the wide range of uses of the phrase in question. Unless it is Applicant's intention for his detranslation to detranslate his address according to the particular detranslation utilized by one or all of these sites, the citation of random web sites using a vague and indefinite phrase fail to support Applicant's claims.

In view of the above made arguments, the Examiner has no choice but to maintain her 35 USC 112, first and second paragraph, rejection of claims 1-20 and 25-32.

Claim Rejections - 35 USC § 112, 1st Paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-20 and 25-32 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Newly amended claims 1-20 and 25-32 rely upon the use of translators or the means thereof, to "detranslate" predetermined portions of packet header information. First, the Examiner would like to point out that she is unfamiliar with the use of such a term within the fields of art applicable to the instant invention. Furthermore she has

been unable to find such a word or variation thereof in any dictionary related to the art or otherwise. Secondly, the Examiner has thoroughly examined the specification for a definition of the term that would suggest that the Applicant intends to be his own lexicographer, but has been unable to find any section therein explaining what exactly is meant by such a term. Throughout the specification, there appears only a handful of references to any kind of "detranslating," it is the Examiner's belief that not a one of these references discloses exactly what is meant by the term. As such, the Examiner is unable to ascertain exactly how one goes about "detranslating" or the result of such a "detranslation" and therefore is unable to make or use the invention as described.

Claim Rejections - 35 USC § 112, 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 and 25-32 remain rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Newly amended claims 1-20 and 25-32 rely upon the use of translators or the means thereof, to "detranslate" predetermined portions of packet header information. The use of such a phrase is indefinite for the following reasons. First, the Examiner would like to point out once again that she is unfamiliar with the use of such a term within the fields of art applicable to the instant invention. Furthermore she has been unable to find such a word or variation thereof in any dictionary related to the art or

otherwise. Additionally, although the Examiner has thoroughly examined the specification for a definition of the term that would suggest that the Applicant intends to be his own lexicographer, she has been unable to find any section therein explaining what exactly is to be meant by such a term. Throughout the specification, there appears only a handful of references to any kind of "detranslating," it is the Examiner's belief that not one of these references discloses exactly what is meant by the term. As such, the Examiner is unable to ascertain the metes and bounds of Applicant's use of the terms "detranslating," "detranslate," "detranslatable," and "detranslated."

Examiner's Note

Because the claims are rendered indefinite by the several issues detailed above in reference to the rejection under 35 U.S.C. 112, both first and second paragraphs, it has not been possible to determine the scope of the claims, and therefore it has not been possible to fully search the prior art for the claimed subject matter in order to make a determination regarding the patentability of the claims with respect to novelty under 35 U.S.C. 102 and non-obviousness under 35 U.S.C. 103. A search has been made to the extent possible, and documents which appear to be relevant are cited below.

Relevant Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Multiple-Entry Key Look-Aside Table for Bulk Cryptographic Functions", IBM Technical Disclosure Bulletin. Volume 36. Issue 11. Pages 437-442. November 1993.

US Patent Application Publication 2003/0130909 entitled "Purchasing Aid Logistics Appliance"

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tamara Teslovich/
Examiner, Art Unit 2137

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2137